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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,914	04/19/2000	Chris A. Shenefiel	95-423	2819

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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,914

Applicant(s)

SHENEFIEL, CHRIS A.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 11-23, 25, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 10, 24, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on July 11, 2003, (Paper No. 6). Claim 14 has been amended. Claims 1-29 are presented for further consideration and examination

Response to Arguments

2. Applicants' arguments have been fully considered but they are not persuasive.
Applicants argued that Wolfe et al. U.S. Patent 6,507,817 does not disclose interpreting voice signals that specify a message operation. Wolfe reference disclose receiving, from a browser configured for dynamic control of audio operations, an HTTP request having an audio file that stores received voice signals specifying a messaging operation (col. 4, lines 28-40; col. 6, lines 14-44, for further explain *the application server receives a HTTP requests from a PC-based web browser which contain an audio content*); identifying the messaging operation in the application server by interpreting the audio file (col. 5, lines 16-37; col. 6, lines 14-44, for further explain *the voice application server accesses a selected XML document that defines an application operation to be performed, based on parameters specified with the HTTP request*); and outputting a function call specifying the messaging operation to the messaging server according to IP protocol (col. 7, lines 37-46).

Applicants still have failed to clearly disclose the novelty of the invention and identify specific limitation, which would define patentable distinction over prior art.

Claims 2-10,12-13,15-17,19-27, and 29 is rejected at least by virtual of their dependency on independent and by other reasons set forth in the previous office action [see Paper No. 5]

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According, rejections for claims 1-29 are presented as below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6,8,11-23,25, and 28-29 rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe et al. U.S. Patent 6,507,817.

5. Referring to claims 1, and 18, Wolfe reference disclose receiving, from a browser configured for dynamic control of audio operations, an HTTP request having an audio file that stores received voice signals specifying a messaging operation (col. 4, lines 28-40; col. 6, lines 14-44); identifying the messaging operation in the application server by interpreting the audio file (col. 5, lines 16-37; col. 6, lines 14-44); and outputting a function call specifying the messaging operation to the messaging server according to IP protocol (col. 7, lines 37-46).

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6. Referring to claims 2, and 19, Wolfe reference disclose executing a speech recognition process based on a voice command identifier specified in the HTTP request, and identifying by the speech recognition process the corresponding messaging operation and a corresponding operand from the audio file (Abstract; and col. 6, lines 14-44).

7. Referring to claims 3, and 20, Wolfe reference disclose the outputting step includes selecting the function call based on the identified messaging operation, and supplying with the function call the corresponding operand (col. 5, lines 17-37).

8. Referring to claims 4, and 21, Wolfe reference disclose the outputting step includes outputting the function call according to IMAP protocol (col. 6, lines 40-59; and col. 7, lines 37-54).

9. Referring to claims 5, and 22, Wolfe reference disclose receiving from the messaging server a response to the function call that specifies a stored message (col. 6, lines 40-59); and sending an HTML page to the browser for playback of a second audio file representing the stored message (Figure 4; col. 6, lines 32-39; and col. 8, lines 27-31).

10. Referring to claims 6,8,23, and 25, Wolfe reference disclose the step of identifying the corresponding messaging operation and the corresponding operand includes identifying a messaging folder specified by the operand, and the step of outputting the function call includes specifying the message folder within the operand with the corresponding function call (col. 7, lines 57 through col. 8, lines 6).

11. Referring to claims 11, and 14, Wolfe reference disclose an HTTP interface configured for receiving an HTTP request from a browser configured for dynamic control of audio operations, the HTTP request having an audio file that stores voice signals received by the

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browser from a user input device and specifying a messaging operation (col. 4, lines 28-40); and an executable application runtime environment configured for generating for the browser an HTML page having media content information and media control information in response to the HTTP request, the executable application runtime environment configured for outputting a selected function call specifying the messaging operation to the messaging server according to a prescribed messaging protocol (col. 5, lines 17-37).

12. Referring to claims 12, and 15, Wolfe reference disclose a speech recognition process configured for identifying the messaging operation from the audio file (col. 5, lines 17-37); and a text-to-speech process configured for converting text-based messages received from the messaging server to a second audio file to be sent in the HTML page for playback by the browser to the user of the user input device (col. 8, lines 7-34).

13. Referring to claims 13, 16, and 17, Wolfe reference disclose the executable application runtime environment executes the speech recognition process based on a voice command identifier parsed based on a determined application state of the user (col. 2, lines 19-43; and col. 7, lines 17-36).

14. Referring to claim 28, Wolfe reference disclose generating a first file, that specifies a messaging operation for a prescribed folder in a messaging server, based on voice signals received from a user and that specify the messaging operation for the prescribed folder (col. 5, lines 17-36); sending an HTTP request including the first file to an application server (col. 5, lines 17-22); receiving an HTML page from the application server including a second file having an indication whether the messaging operation for the prescribed folder was executed by the

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messaging server (col. 5, lines 17-36); and generating audio signals for the user, based on the second file, to provide the indication to the user (Figure 4; and col. 8, lines 7-32).

15. Referring to claim 29, Wolfe reference disclose generating the first file in an audio file format (col. 6, lines 60-67).

Allowable Subject Matter

16. Claims 7,9,10,24,26, and 27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schwitters et al. U.S. Patent 6,526,413

Vaziri et al U.S. Patent 6,377,570

Pang et al. U.S. Patent 6,298,045

Thelen et al. U.S. Patent 6,487,534

Perrone U.S. Patent 6,418,199

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Phuoc H. Nguyen
Examiner
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September 12, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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